

Congress of the United States
Washington, DC 20515

June 5, 2018

The Honorable Kirstjen M. Nielsen
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, DC 20528

The Honorable David J. Kautter
Acting Commissioner
Internal Revenue Service
1111 Constitution Avenue, NW
Washington, DC 20224

Dear Secretary Nielsen and Commissioner Kautter:

We write to condemn the recent worksite immigration enforcement operation conducted in Bean Station, Tennessee—the largest workplace raid our nation has seen in nearly a decade. According to Immigration and Customs Enforcement (ICE), the raid conducted on April 5, 2018 at the Southeastern Provision meat-processing plant resulted in the arrest and detention of 97 individuals, 65 of whom remained in detention and 32 of whom were released while their cases are pending. As the facts surrounding this action in Tennessee continue to become public, we write to voice our serious concerns about the federal government's motives and tactics in executing this raid and other large-scale enforcement actions around the country and about the long-term trauma that local communities, including many children, will endure as a consequence of such aggressive enforcement actions.

It is our understanding that the April 5th action originated with the Internal Revenue Service (IRS), which obtained a search warrant for records as part of its investigation into Southeastern Provision for tax evasion and falsifying tax returns. While such investigations are routine for the IRS, what is not routine is the use of a search warrant for tax-related records as a justification for the entry of armed agents from other government agencies (ICE and the Tennessee Highway Patrol), who made arrests of employees unrelated to the tax investigation. It is reported that a helicopter flew overhead while roads were blocked and law enforcement agents stormed the plant and blocked the doors. In effectuating the raid, workers were racially profiled and detained according to their race or ethnicity and were generally not questioned about their identity or authorization to work before being arrested and taken away. For this reason, at least three Hispanic individuals were arrested who never should have been—at least one U.S. citizen, one DACA recipient, and one individual with a work permit based on an approved visa petition.

It has also been reported that the owner and managers of Southeastern Provision were targets of the warrant but none of them were arrested at the time of the raid nor have they been charged to date, and the plant continues to operate. This is especially disturbing when the tax investigation that led to the raid turned up information about exploitation of workers at the meatpacking plant in the form of wage theft and unsafe working conditions.¹

¹ Devereaux, Ryan, and Alice Speri. "The Day After Trump's ICE Raid in a Small Tennessee Town, 550 Kids Stayed Home From School," *The Intercept*, (April 10, 2018) accessible at www.theintercept.com/2018/04/10/ice-raids-tennessee-meatpacking-plant/.

With respect to the detention of the arrested individuals, we understand that they were transported to and detained at a National Guard armory nearby, but attorneys wishing to represent detained individuals were denied access. The reports of detention conditions are also concerning, as we have heard that individuals' requests for medical assistance were rejected by law enforcement. All of these reports raise serious questions about federal law enforcement's conduct—in conjunction with state and local law enforcement—and potential violations of due process and civil rights.

The largest worksite raid in recent history not only raises questions of due process and dignity, but also the human cost. The community of Morristown, TN, a town close to Bean Station where the majority of those arrested live, has been devastated by this raid. The most alarming and telling indicator of the pervasive fear felt in the community is that on the day following the workplace raid approximately 550 local children did not attend school. Teachers and administrators voiced concerns for the anxiety and fear expressed by their students, including those who lost loved ones in the raid and those who worry that the same will happen to their own family members. It is well-documented that immigration enforcement through detention and deportation has a profound impact on the well-being of children as they are torn apart from their parents or family members or are in constant fear of that separation.² Children—almost all of whom are U.S. citizens born and raised in this country—have been shown to suffer from severe anxiety and depression, eat and sleep poorly, and are unable to focus in school.³ We strongly condemn the use of such enforcement tactics by the federal government to provoke maximum fear in immigrant communities throughout the country.

We respectfully request your prompt response to the following questions raised by the April 5th workplace raid in Bean Station, TN:

- (1) Which law enforcement agencies participated in the raid? What were the roles of each agency during the raid? Were any National Guard personnel present during the raid?
- (2) Why did the IRS decide to involve ICE in this case? How does the IRS bringing ICE into the investigation serve any function in furtherance of the mission of the IRS? Is the IRS contemplating any future enforcement actions involving ICE personnel? If so, under what circumstances?
- (3) How did law enforcement agents participating in the raid determine which individuals to arrest? Was race or ethnicity a factor in deciding which individuals to arrest?
- (4) Did law enforcement determine whether each individual arrested had authorization to work prior to making the arrest?
- (5) Were attorneys and other advocates assisting detained individuals granted consistent and timely access to detainees while they were held at the National Guard Armory (the Armory)? If not, why not? If not, at what time were detained individuals first granted access to counsel?
- (6) How did law enforcement agents determine which individuals to release and which individuals to continue detaining?

² Edwards, Haley Sweetland, "Bye Dad, I Love You: America's Immigration Policy is Splitting Families and Spreading Fear," *TIME Magazine* at 38 (March 19, 2018).

³ *Id.*

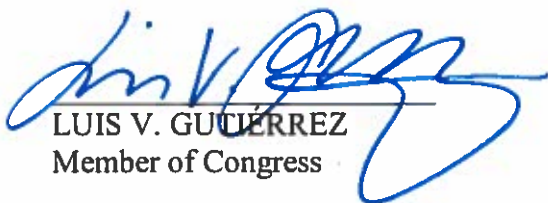
- (7) How many individuals were released from the Armory because they were determined to possess valid work authorization?
- (8) When were detained individuals first able to access medical assistance? Was access to medical assistance provided to detained individuals who needed such assistance at the Armory?
- (9) Why were the management personnel of Southeastern Provision not detained and questioned at the time of the raid, if they were named as targets in the search warrant authorizing the raid?
- (10) What is the status of any criminal case pending against Southeastern Provision, its owners, and its individual managers?

Finally, we urge you to take the following steps which would provide some measure of due process to the individual immigrant workers targeted during the raid:

- (1) We urge you to exercise prosecutorial discretion and immediately release those individuals who are still detained, so that they may pursue their options for immigration relief near their legal representatives, families, and local resources;
- (2) We urge you to provide detained individuals with meaningful access to the courts and legal counsel, including timely and confidential meetings with legal representatives and regular access to a legal library with updated legal materials;
- (3) We urge you to forego the removal of any individuals who have not had the opportunity to consult with an attorney and/or exhaust all potential legal claims relevant to the raid and their employer; and
- (4) We urge you to exercise prosecutorial discretion, by granting relief such as parole, continued presence, or deferred action, to those individuals whose rights were violated during their arrests, pursuant to the 2011 ICE Victim's Memo.

We look forward to your prompt response.


Sincerely,



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Member of Congress



STEVE COHEN
Member of Congress



JERROLD NADLER
Member of Congress



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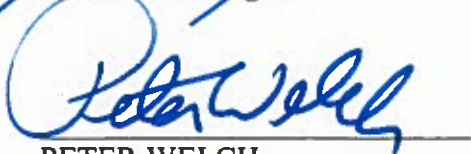
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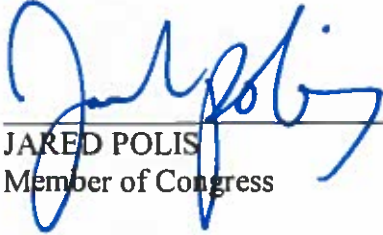
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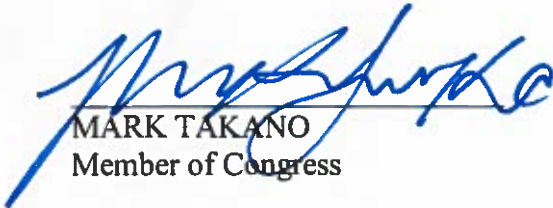
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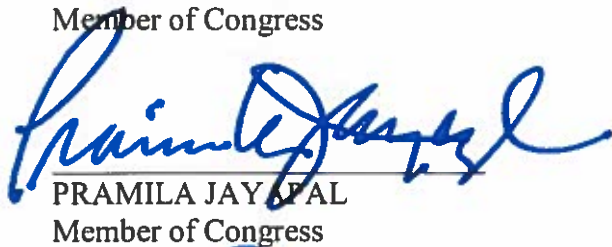
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